Support for new claim 169 may be found inter alia in the specification, as originally-filed, on page 33, lines 28-30; page 33, line 38; page 57, lines 26-27; page 35, lines 1-6; Figure 1; and SEQ ID NO: 1. Support for new claims 170-172 may be found inter alia in the specification, as originally-filed, on page 33, lines 31-34. Support for new claim 173 may be found inter alia in the specification, as originally-filed, on page 34, lines 25-28. Support for new claims 174-175 may be found inter alia in the specification, as originally-filed, on page 34, lines 34-38; page 71, line 34 through page 73, line 6; SEQ ID NO: 27; and SEQ ID NO: 28.

Support for new claims 176-180 may be found inter alia in the specification, as originally-filed, on page 36, line 38 through page 37, line 16. Support for new claim 181-188 may be found inter alia in the specification, as originally-filed, on page 37, line 37 through page 38, line 15; and page 79, line 30 through page 80, line 5.

Accordingly, applicants respectfully request that this Amendment be entered.

Restriction Requirement

On page 2 of the August 8, 2002 Office Action, the Examiner alleged that restriction to one of the following inventions is required under 35 U.S.C. §121:

I. Claims 1-10 and 97, drawn to nucleic acid encoding human naturally occurring and mutant MCH1 receptors and method of making protein recombinantly, classified in class 536, subclass 23.5 and 435, subclass 69.1.

II. Claims 11, drawn to MCH1 protein, classified in class 530, subclass 350.

III. Claims 32 and 34, drawn to antibody to MCH1 protein, classified in class 530, subclass 388.22, for example.

IV. Claim 33, drawn to an agent capable of competitively inhibiting the binding of antibody to MCH1 receptor, class and subclass undeterminable.

V. Claim 41, drawn to transgenic nonhuman mammal expressing DNA encoding human MCH1 receptor, classified in class 800, subclass 3.

VI. Claim 43, drawn to transgenic nonhuman mammal expressing antisense DNA complementary to the DNA encoding a human MCH1 receptor, classified in class 800, subclass 3.

VII. Claims 47 and 83, drawn to a process for identifying a chemical compound which specifically binds to a mammalian MCH1 receptor or to a method of detecting MCH1 receptor on the surface of a cell, classified in class 435, subclass 7.1.

VIII. Claim 96, drawn to a method of purifying MCH1 receptor protein, classified in class 435, subclass 70.1, for example.

The Examiner alleged that the inventions are distinct from each other because of several reasons cited by the Examiner. The Examiner alleged that inventions I and each of inventions II, V and

VI are related as process of making and product made; inventions I and VII are related as product and process of use; the proteins of invention II are related to the antibodies of invention III by virtue of being the cognate antigen necessary for the production of the antibodies; and inventions I and III are related as a process of making and a process of using a common product.

The Examiner further alleged that inventions II ans VII are related as product and process of use; inventions VIII and II are related as process of making and product made; inventions III and IV are related in that the unidentified agent can competitively inhibit the binding of the antibody to MCH1 receptor; and invention III is related to each of inventions VII and VIII as product and process of use.

The Examiner then alleged that invention I and each of inventions IV and VIII are unrelated; inventions II and IV are unrelated; inventions V and VI are unrelated to inventions II-IV, VII and VIII; inventions V and VI are unrelated; invention IV is unrelated to each of inventions VII and VIII; and also inventions VII and VIII are unrelated to each other.

The Examiner further alleged that since these inventions are distinct for the reasons cited in the August 8, 2002 Office Action and have acquired a separate status in the art because of their distinct classification, recognized divergent subject matter, and the need for non-coextensive literature search, restriction for examination purposes as indicated is proper. The Examiner then advised applicants that the reply to this restriction requirement must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. §1.143).

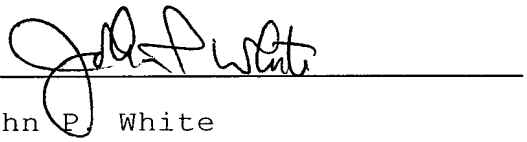
In response to this restriction requirement, applicants have canceled claims 1-11, 32-34, 41, 43, 47, 83, 96, and 97, without prejudice; and added new claims 169-188. Rather than elect from groups I-VIII presented by the Examiner, applicants hereby present new claims 169-188. New claims 169-188 are drawn to an isolated nucleic acid encoding a human MCH1 receptor, or a mutant of such MCH1 receptor, as defined in said claims; and vectors, plasmids, cells, and membrane preparations comprising such human MCH1 receptor. Applicants maintain that new claims 169-188 are a single inventive concept. Accordingly, applicants respectfully request that the Examiner examine claims 169-188 on the merits.

Accordingly, in light of the remarks made hereinabove, applicants respectfully request that the Examiner withdraw the restriction set forth in the August 8, 2002 Office Action.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

No fee, other than the enclosed fee of $460.00 for a three-month extension of time, is deemed necessary in connection with the filing of this Amendment and Petition For A Three-Month Extension Of Time. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
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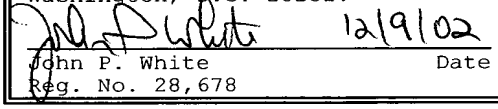

12/9/02

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Date